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UNCLAS SECTION 01 OF 04 ANKARA 006308

SIPDIS

DEPT FOR EB/TRA/OTP AND EUR/SE
ROME FOR CBP ROBERT STIRITI
PARIS FOR TSA
DHS FOR CSI - TODD HORTON
DEPT PASS TRANSPORTATION DEPT

SENSITIVE

E.O. 12958: N/A

TAGS: [EWWT](#) [PTER](#) [ETRD](#) [PREL](#) [ETTC](#) [KTIA](#) [PBTS](#) [TU](#)
SUBJECT: TURKS PRESENT CSI DRAFT AGREEMENT

Ref: (A) STATE 171872 (B) PATRICK/STIRITI E-MAIL

10/07/05

1. (U) This cable is sensitive but unclassified. Please protect accordingly.

2. (SBU) Summary: On October 12, GOT MFA Maritime Director Basat Ozturk presented emboffs with a GOT draft of an agreement that would implement the Container Security Initiative (CSI). Ozturk focused on the importance of the agreement to the process of starting CSI in Turkey and stressed that it should focus on general principles. While this is welcome progress, post points out that a number of administrative details, including NSDD-38 approval, would have to be resolved before implementation. End summary.

3. (U) On October 12, econoff and EXBS Advisor met with MFA Head of Maritime Department, Basat Ozturk. Ozturk assured emboffs of the GOT's continued support for security-related maritime initiatives, including the current SUA Convention negotiations taking place October 10 - 14 (ref A).

4. (U) Ozturk provided econoff with a copy of the GOT's draft of an agreement to implement the Container Security Initiative (CSI). Ozturk stated that his goal was to keep this document as simple and concise as possible while making it general enough to maintain its long-term applicability. For example, because the GOT is currently privatizing many of its ports, Ozturk believes that one day another port, such as Mersin, could eclipse the Port of Izmir as the major transfer point for goods coming from or going to the United States. In addition, the GOT included language that would make it possible for Turkish officials to work at US ports, if such an option ever became feasible for the GOT. (According to Ozturk, the agreement was drafted using the 1996 Customs Agreement between the GOT and the USG as its framework.)

5. (U) Emboff informed Ozturk of DHS's offer to provide one Smith CAB2000 non-intrusive inspection device (ref B) for use at the Port of Izmir for CSI and explained DHS's stipulations for Turkey's use of this equipment. Ozturk responded that now he would prefer to focus on the important task of securing an agreement between the USG and the GOT, after which details such as the detection equipment could be worked out.

6. (U) Ozturk maintained that once an agreement is finalized between the USG and Turkey, he foresees a quick progression through the Prime Minister's office and, if necessary, Parliament for ratification. He optimistically predicted that having such an agreement would ease implementation because the funding would be allocated in the budget at the time of ratification. Such an agreement would protect the government agencies involved and also bind them to completing the implementation. His main point, he emphasized, was that "Turkey is on board and ready for CSI. We want to move forward on this."

7. (SBU) Comment: Ozturk strove throughout the meeting to project a positive outlook for CSI. Post looks forward to working with ICE Attache Rome and interested Washington-based agencies during the negotiation and implementation process. We also point out that a number of post-specific administrative details related to security and support, as well as NSDD-38 approval, will need to be resolved before ICE officers can be assigned to Turkey. End comment.

8. (U) Begin text of GOT proposed draft CSI Agreement:

DRAFT AGREEMENT BETWEEN THE CUSTOMS ADMINISTRATION OF
THE REPUBLIC OF TURKEY AND THE CUSTOMS SERVICE OF THE
UNITED STATES OF AMERICA REGARDING THE IMPLEMENTATION OF
THE CONTAINER SECURITY INITIATIVE (CSI) AT DESIGNATED
PORTS OF BOTH COUNTRIES

The Customs Administration of the Republic of Turkey and
the Customs Service of the United States of America
(hereinafter referred as the "Parties");

Considering the principles and terms set forth in the
"Agreement Between the Government of the Republic of
Turkey and the Government of the United States of
America Regarding Mutual Assistance Between Their
Customs Administrations" signed on 28 March 1996;

Recognizing the long-standing close and productive
relations between the Customs Administration of the
Republic of Turkey and the Customs Service of the United
States of America;

Being convinced that this cooperation can be further
improved by intensifying the exchange of information and
best practices between the two customs authorities;

Recognizing the high volume of trade between Turkey's
seaports and seaports of the United States of America;

Bearing in mind the World Customs Organization
Resolution on Security Facilitation of the International
Trade Supply Chain adopted in June 2002;

Being convinced that there is a need to deter, prevent,
and interdict any terrorist attempt to disrupt global
trade or to make use of commercial shipping to further
their own schemes;

Supporting the Container Security Initiative (CSI),
which is designed to safeguard global maritime trade by
enhancing cooperation at seaports worldwide to identify
and examine high-risk containers and ensure their in-
transit integrity;

Have agreed on the following provisions;

Article 1

The Parties shall intensify bilateral customs
cooperation, including in particular on the
implementation of the Container Security Initiative in
accordance with the guidelines provided in Annex A,
which shall constitute an integral part of the
Agreement, at designated ports of both countries, within
the framework of the "Agreement Between the Government
of the Republic of Turkey and the Government of the
United States of America Regarding Mutual Assistance
Between Their Customs Administrations" of 28 March 1996.

Article 2

On this basis, the Parties shall exchange information
and work together closely to ensure the identification,
screening, and sealing of high-risk containers.

Article 3

U.S. Customs officers, who will work in accordance with
the guidelines provided at Annex A, shall be stationed
at Turkey's designated seaports with significant volume
of commercial traffic to the United States of America.

Turkish customs officers shall be stationed at U.S.
seaports, upon the request of the Customs Administration
of the Republic of Turkey with the same aim and under
the same conditions established in this Agreement and
its Annex.

Article 4

The Parties shall consult closely on the implementation
of this program to ensure continued effectiveness and
mutual benefit of bilateral customs cooperation.

Article 5

The Parties shall consult at the earliest possible
opportunity with a view to settling any third party
claim in respect of CSI inspections upon the request of
either Party.

Article 6

This Agreement shall enter into force on the date the
Parties have notified each other in writing through
diplomatic channels that the necessary internal
ratification procedures have been completed.

The Agreement shall remain in force until three months from the date on which either Party notifies in writing through diplomatic channels the other Party its intention to terminate the Agreement.

Done in _____ this _____ day of _____, in two original copies in Turkish and English languages, both texts being equally authentic.

On behalf of the Turkish Customs Administration

On behalf of the U.S. Customs Services

Annex A: Guideline for the Implementation of the Container Security Initiative (CSI) at Designated Turkish Ports

Recognizing the following brief contents of the Container Security Initiative (CSI);

"CSI is an anti-terrorism initiative that targets and pre-screens containers, which may pose a risk for terrorism at designated ports of lading. The implementation of CSI at the Turkish ports shall include, inter alia, the following:

- Using intelligence and automated information to identify and target containers that pose a risk for terrorism.
- Using non-intrusive detection technology to quickly pre-screen those containers that pose a risk at the port of departure before they arrive at U.S. ports.
- Deploying CSI team works in the host country to identify and target high risk containers in cooperation with the host government which will conduct the inspections when deemed appropriate while the U.S. CSI team observes.
- Thus, increasing security and facilitates flow of legitimate trade by allowing pre-screened containers to enter the U.S. without delay."

This Guideline, which is prepared in line with Article 3 of the Agreement to which it is annexed, aims to arrange the principles of cooperation between the Turkish Customs Administration and the U.S. Customs officer(s) stationed at designated Turkish seaport(s). As such;

1-The number of U.S. Customs officer(s) and the Turkish seaports to which they will be deployed shall be subject to the consent of the Turkish Customs Administration.

2-The examination of the cargo containers that pose a risk for terrorism shall be conducted by the Turkish Customs Administration. U.S. Customs officer(s) shall operate under the supervision of the Turkish Customs Administration and shall only observe the security screening. U.S. Customs officer(s) shall not be entitled to exercise any law enforcement authority and shall not possess and carry firearms. U.S. Customs officer(s) shall abstain from any activity that is not consistent with the aims and purposes of the Agreement and this Guideline.

3-U.S. Customs officer(s) shall not have diplomatic status. They shall be subject to Turkish laws and regulations and shall not enjoy any privilege or immunity. As such, U.S. Customs officer(s) shall be promptly issued with the necessary working permission by the Ministry of Labor and Social Security.

4-U.S. Customs officer(s) shall wear a pass provided by the Turkish Customs Administration for access to certain areas at the designated Turkish ports. Access to other areas and locations by the U.S. Customs officer(s) shall be subject to prior consent and approval of the Turkish Customs Administration.

5-U.S. Customs officer(s) shall not transfer any information obtained during the pre-screening activities at designated Turkish ports to any third party without prior consent and approval of the Turkish Customs Administration in writing. The U.S. Customs officer(s) shall provide information to the Turkish Customs Administration concerning the monitoring reports to be submitted to the U.S. Customs Administration.

6-The U.S. Customs Officers shall not take any document or data out of Turkish Customs territory without the permission of Turkish Customs.

7-Establishment and operation of any communication and data exchange equipment require prior approval of the Turkish Authorities.

8-The Turkish Government shall not bear any functional or personal costs of the U.S. Customs officer(s).

9-The issues not mentioned in this guideline shall be evaluated and tackled by the Turkish Customs Administration in consultation with the U.S. Customs Service. End draft agreement text.
MCELDOWNEY